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| **Inventor Name:** | **Russell Patton Davis** |
| **Citizenship:** | **USA** |
| **Inventor Residence and Correspondence Address:**  | **1521 Quail Point Rd.**<br>**Virginia Beach, VA 23454**<br>**757-285-1079 & 757-651-2234**<br>http://www.Shellfish-Unlimited.com<br>Russell_P_Davis@Shellfish-Unlimited.com |
| **Invention:** | **AN INTEGRATED SYSTEM FOR SHELLFISH PRODUCTION: Encompassing Hatchery, Nursery, Grow-out, Brood-stock Conditioning and Market Conditioning Phases; also Water Treatment, Food Supplement, Propulsion, Anchoring, Security, and Devices for the Integration of Neighborhood Values and Shellfish Production.** |
| **Application filing Date:** | **JUNE 26, 2001 09/891,757** |
| **Art Unit: 3643** | **Examiner: Price, Richard Thomas, Jr.**<br>FAX 703-305-7687 V.703-308-2694/Sup.<br>Peter Poon 308-2574<br><br>Mail Stop **NON FEE AMMENDMENT**<br>**Commissioner for Patents**<br>P.O. Box 1450<br>Alexandria, VA 22313-1450 |



# A) Introductory Comments

Dear Mr. Price,

As requested by your office action of August 12 I have include clean copies of the Specification and Claims.

Perhaps I misunderstand, but I believe your August 12 office action used form and procedure that became obsolete on July 30, 2003.

With respect to a revision of specifications, it appears that I made no change in my 5/02/2003 filed response – at least the specification that I count as current showed no difference when computer compared with the published application. I did find one error in the web address of a reference. That will be addressed in its separate section as the 7/30/2003 version of 37 CFR 1.121 requires.

I understand according to the USPTO Web site

Of greater significance is that my review of the PAIR File Contents History that only became available after the application's publication on 5/22 it appears that **my claim amendments filed on May 02, 2003 just disappeared**. My recollection of several phone calls is that you did acknowledge receiving a Claim Zero with all other claims being dependant on Claim zero. Somehow that filing which you apparently received escaped proper registration of receipt. Claim zero and the amendment of the remaining claims would be unnecessary if you would accept the unity of the invention and cease your felonious resistance of the law under the color of its authority. This §18.2-481(5) felony is subject of an outstanding Petition to suspend for Cause that is also appended. The new rules of claim amendment do require that claims begin with claim 1 so I made the change as required and include the amended clairns in this submission.

My Comments and Questions to you in the May 2 and January 2nd amendment filings have not received any response. Likewise the 8/26 Petition to suspend for Cause. They are enclosed and bounded in the following borders:

**January 31, 2003, To Examiner Mr. Tom Price:**
The complete application 09/891.757 is enclosed with a complete replacement of the claims.

I have not heard anything from you regarding my requests of extension of time. If there is some perceived impediment there I would like to bring your attention to 37 CFR 1.136(a)(3) and the prior PTO-2038 with blanket authorizations to charge.

I would also ask you to consider PCT MEP Chapter V131(i) with instruction regarding the "Unity of Invention". It might be simpler and better if the claims under this application (where the linkage to Claim 0 is completed) where resubmitted without Link to Claim 0.

It may also be that the enclosed PCT application that incorporates this unpublished application should be submitted as a "Continuation-In-Part". The quality of writing is much advanced which can make your job easier. You could allow a substitution of disclosure if you found the original to be somewhat informal. Also, under that scenario you could use the search made under the PCT application and your labor would consist mostly of assigning priority dates to claims. Would this please you, Sir?

Respectfully,
Russell P Davis

**January 2, 2003, Mr. Tom Price:** In response to the restriction requirement of 08/26/2003 #3807 and your follow-on correspondence to which I responded with a request for one month delay, the Applicant provisionally elects to traverse the restriction requirement by amending the claims by completely replacing the claims section of the application such that claim 0 is elected and claims 1 through 39 are restated as linked claims.

Yet, the original disclosures are also hard to read and full of grammatical errors. If there has been no competing patent filed in the area of shellfish culture in the interim of pendency there would certainly be no harm in allowing higher quality writing into the Patent record. Can you tell me if such is the case? It may also be that disclosure amendments that do produce additional claims could be allowed. If such is the case the literary qualities of the disclosure could be substantially enhanced.

If there have been no patents (even provisional) on the topic of shellfish culture filed in the interim of pendency of this patent it might be both better and permissible to submerge this patent application within a PCT application of much higher readability and coherence. Is that a possible path to pursue in this patent?

Please bill as needed to meet the required fees. Form PTO-2038 is enclosed

Sincerely,

Russell P Davis

Russell Patton Davis
1521 Quail Point Rd.
Virginia Beach, Virginia 23454
757-285-1079, 757-651-2234



**Box Patent Petition § 1.103(a) NO FEE**
**Commissioner for Patents,**
**Alexandria, VA 22313-1450**

Dear Assistant Commissioner for Patents,

Please grant a **§ 1.103(a) six-month** suspension of process on application **09/891,757** filed **JUNE 26, 2001** for cause. The cause is now being addressed in civil litigation to achieve declaratory decree by jury against certain §18.2-481(5) felonies consistent with a pattern of racketeering.

Patent Examiner, Thomas Price, has an appetite for committing §18.2-481(5) felony that remains unabated by my April 20 Petition to the Commissioner. Mr Price handled the petition rather than the Commissioner. Mr. Price effectively dismissed the petition without factually addressing the issues. Therefore it behooves me to defend my intellectual property by obtaining a declaratory judgment that will enable a remedy to Mr. Price's felony wherein he personally committed Virginia Statutory Treason by resisting the execution of the law under the color of its authority.

The USPTO/Thomas_Price portion of the declaratory decree by jury is expected to read:

***"It is also the understanding and declaration of this jury that the US Code of Federal Regulations contains:***

> ***"CFR Title 37 § 1.142 Requirement for restriction.***
> *(a) If two or more independent **and** distinct inventions are claimed in a single application, the examiner in an Office action will require the applicant in the reply to that action to elect an invention to which the claims will be restricted, this official action being called a requirement for restriction (also known as a requirement for division)."*

*Moreover, It is the understanding and declaration of this jury that the this duly authorized regulation specifically* states "independent **and** distinct". When an agent of the sovereign chooses to *execute that law as* "independent **or** distinct" *they commit a conceit of authority that under the statutes of Virginia is a VA§18.2-481(5) felony. When committing such a criminal conceit of authority the agent* exposes their personal capacity to civil and/or criminal remedy under *VA§18.2-481(5) as an agent office of the sovereign is never authorized to commit treason against the sovereign therefore all such crimes are committed in personal capacity. Given that such crimes damage a citizen's equity interest in the sovereign the right to a jury trial is constitutional."*

Sincerely,
Russell P Davis 8/26/2003